

OD – 4

ORDER SHEET
WPO 300 OF 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PURNABASI BEHERA
Versus
EASTERN COALFIELDS LTD. AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : 15TH December, 2020.

Appearance :
Mr. Partha Ghosh, Adv.
Mr. A. K. Datta, Adv.
For the petitioner

Mr. Krishnendu Bhattacharya, Adv.
Ms. T. Dasgupta, Adv.
For the respondent

The Court : The petitioner claims to be the sole legal heir and the defendant of the deceased Basanti Behera, who was an employee of Khottadih O.C.P. She applied for employment on compassionate ground. Her prayer was rejected by the authority on the ground that she was overaged.

The petitioner thereafter made an application for payment of monetary compensation. By a communicating memo dated 6th March, 2020 the prayer of the petitioner stood rejected on the ground that her representation for employment and other benefits as per “NCWA” can not be considered as she was overaged as per available documents.

The writ petitioner relies upon clauses 9.4 and 9.5 of NCWA where there is a provision for payment of monetary compensation to female dependent provided she is wholly dependent on the earning of the employee and provided the employee does not have a direct dependent available for employment.

The learned Advocate representing the Coal India Limited submits that the petitioner has not come forward with any documentary proof to show that she was wholly dependent upon the earning of the deceased employee. The writ petitioner also did not produce any document to show that there was no direct dependent available for employment. In the absence of these documents it was not possible for the Company to provide monetary compensation to the female dependent.

Upon hearing the submission made on behalf of both the parties it appears from records that the petitioner made representation for monetary compensation wherein it was clearly mentioned that she was the sole legal heir of the deceased. The petitioner being a widowed daughter does not have any other source of income and she become dependent upon her mother. The husband of the petitioner died in the year 2001, and since thereafter she became dependent on the mother who died in harness on 17th November, 2014.

The provision for providing employment or monetary compensation is a type of social security to the employees of the Company. The Company ought to have acted diligently and intimated

the petitioner the formalities that were required to be complied by her for the purpose of obtaining the benefit available under “NCWA”.

The petitioner time and again approached the authority either for employment or for monetary compensation but the authority rejected the prayer of the petitioner in a mechanical manner.

In view of the above, the instant writ petition is disposed of by directing the respondent No.6, who has access to all the documents of the deceased employee, to make necessary communication to the petitioner and make her aware of the formalities that she is required to comply for obtaining the monetary compensation. The same shall be communicated to her within a period of six weeks from the date of communication of this order. After compliance of all formalities by the petitioner, the respondent No.5, under the supervision of the respondent No.3, shall take a decision in the matter strictly in accordance with the relevant Rules and communicate the reasoned order to the petitioner within four weeks thereafter.

The impugned rejections dated April 10, 2015, November 29, 2017 and 6th March, 2020 are hereby set aside.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of usual legal formalities.

(AMRITA SINHA, J.)